

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

MARK D. GUIDUBALDI & ASSOCIATES,
LLC D/B/A PROTECTION LEGAL
GROUP, ET AL.

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Civil Action No. 4:18-CV-118
(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 11, 2019, the report of the Magistrate Judge (Dkt. #33) was entered containing proposed findings of fact and recommendations that Defendants Mark D. Guidubaldi & Associates, LLC d/b/a Protection Legal Group, Law Office of Sanford J. Feder, LLC, and Sanford J. Feder, Esq.'s "Motion to Dismiss and to Strike Plaintiff's 'Amended Complaint'" (Dkt. #30) be granted in part and denied part. Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants Mark D. Guidubaldi & Associates, LLC d/b/a Protection Legal Group, Law Office of Sanford J. Feder, LLC, and Sanford J. Feder, Esq.'s "Motion to Dismiss and to Strike Plaintiff's 'Amended Complaint'" (Dkt. #30) is **GRANTED IN PART AND DENIED IN PART**. Specifically, Plaintiff's claims against Defendants Sanford J. Feder, Esq. and Law Office of Sanford J. Feder, LLC are **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction. Plaintiff's claims under section 227(c) of the TCPA and for

invasion of privacy should **DISMISSED WITH PREJUDICE** for failure to state a claim. Plaintiff's section 227(b) claim against Defendant Mark D. Guidubaldi & Associates, LLC d/b/a Protection Legal Group remains.

IT IS SO ORDERED.

SIGNED this 11th day of March, 2019.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE